

---

# **Agriculture Committee**

**Wednesday, January 25, 2006**

**1:30 pm - 3:30 pm**

**214 The Capitol**

## **MEETING PACKET**

Allan G. Bense  
Speaker

Ralph Poppell  
Dwight Stansel  
Co-Chairs

# **Committee Meeting Notice**

## **HOUSE OF REPRESENTATIVES**

**Speaker Allan G. Bense**

### **Agriculture Committee**

**Start Date and Time:** Wednesday, January 25, 2006 01:30 pm

**End Date and Time:** Wednesday, January 25, 2006 03:30 pm

**Location:** 214 Capitol

**Duration:** 2.00 hrs

#### **Consideration of the following bill(s):**

HB 219 CS Labor Pools by Troutman

HB 255 Farm Labor Vehicles by Troutman

HB 357 Assessment of Obsolete Agricultural Equipment for Purposes of Ad Valorem Taxation by Poppell

HB 363 Private Investigative, Private Security, and Repossession Services by Needelman

**NOTICE FINALIZED on 01/13/2006 15:29 by SIMS-DAVIS.LINDA**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 219 CS  
**SPONSOR(S):** Troutman and others  
**TIED BILLS:**

Labor Pools  
**IDEN./SIM. BILLS:** SB 1166

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Economic Development, Trade &amp; Banking Committee</u>	<u>13 Y, 0 N, w/CS</u>	<u>Carlson</u>	<u>Carlson</u>
2) <u>Agriculture Committee</u>	<u></u>	<u>Kaiser</u> <i>AK</i>	<u>Reese</u> <i>SR</i>
3) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

### SUMMARY ANALYSIS

House Bill 219 limits the charges that a labor pool may impose for the transportation of a laborer to or from a designated worksite to no more than \$1.50 each way.

The bill allows a labor pool to operate a cash dispensing machine located on the premises of the labor pool or by an affiliate, and limits the transaction fee to \$1.99.

The bill provides that the Labor Pool Act does not exempt a client of a labor pool or a temporary help arrangement entity or any assigned employee from federal, state or local licensing laws.

The bill also provides that an employee assigned to a client company who is licensed, registered or certified pursuant to law is deemed an employee of the client company for purposes of such licensure, registration or certification but remains an employee of the labor pool or temporary help arrangement entity for purposes of workers' compensation and unemployment compensation laws.

The bill has no apparent fiscal impact on state or local governments.

The bill has an effective date of July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not implicate any House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation:**

##### Labor Pool Act

The Labor Pool Act, passed as ch. 95-332, L.O.F. and codified as Part II of ch. 448, F.S., is intended to provide for the health, safety and well-being of day laborers throughout the state and to establish uniform standards of conduct and practice for labor pools. The law enumerates duties of labor pools with respect to the compensation of laborers and the provision of necessary amenities and facilities.

##### A. Transportation Charges

The Act prohibits a labor pool from charging a day laborer for transportation to or from a designated worksite an amount exceeding the prevailing rate for public transportation in a geographic area.<sup>1</sup>

##### B. Cash Dispensing Machines

The Act requires a labor pool to compensate a day laborer for work performed "in the form of cash, or commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount."<sup>2</sup>

Since passage of the Labor Pool Act, cash dispensing machines (CDMs) have become available as a method of dispensing cash compensation to day laborers. A CDM is similar to an automated teller machine (ATM) and dispenses money in paper currency, but not in coins. Labor pools may either own or lease CDMs. A financial institution under a contract with the labor pool typically provides the cash stored in the CDM.

There has been some question as to whether or not a CDM should comply with chapter 560, F.S., the Money Transmitters' Code. The statute is designed to insure the security of a business that issues payment products, holds public funds, accepts deposits, and conducts other types of financial transactions. The labor pool CDM holds funds that are the property of the labor pool, the CDM is not accessible by the general public, and the CDMs only dispense cash.

##### **Effect of Proposed Changes:**

##### A. Transportation Charges

The bill limits the charges that a labor pool may impose on a laborer for transportation to or from a designated worksite to no more than \$1.50 each way.

##### B. Cash Dispensing Machines

---

<sup>1</sup> s. 448.24(1)(b), F.S.

<sup>2</sup> s. 448.24(2)(a), F.S.

The bill allows a labor pool to operate a CDM located on the premises of the labor pool or by an affiliate, pursuant to chapter 560, F.S., if required, for a per-transaction fee of up to \$1.99. In order to use a CDM as permitted by the bill, the labor pool must comply with the compensation provisions of s. 448.24(2)(a), F.S.; the day laborer must voluntarily elect to accept payment in cash after disclosure of the fee; and the CDM must require an affirmative action by the laborer regarding the fee that allows the laborer to negate the transaction in lieu of payment according to s. 448.24(2)(a), F.S.

#### C. Application of the Labor Pool Act and Status of Assigned Employees

The bill provides that the Labor Pool Act does not exempt a client of a labor pool or a temporary help arrangement entity or any assigned employee from federal, state or local licensing laws.

The bill also provides that an employee assigned to a client company who is licensed, registered or certified pursuant to law is deemed an employee of the client company for purposes of such licensure, registration or certification but remains an employee of the labor pool or temporary help arrangement entity for purposes of workers' compensation and unemployment compensation laws.

#### C. SECTION DIRECTORY:

**Section 1:** Amends s. 448.24, F.S., relating the transportation fees and the use of cash-dispensing machines.

**Section 2:** Amends s. 448.23, F.S., conforming a cross reference.

**Section 3:** Creates s. 448.26, F.S., providing that the Labor Pool Act does not exempt a labor pool or temporary help entity from federal, state or local licensing laws and providing that assigned employees are employees of the client company for licensing purposes but retain status as employees of the labor pool or temporary help arrangement entity for workers' compensation and unemployment compensation purposes.

**Section 4:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill allows a labor pool to recover the costs of CDMs used to pay laborers. Each laborer choosing to use a CDM on which a fee is imposed will have a net deduction of up to \$1.99 from his/her daily pay.

It is unclear whether the imposition of the maximum fee will result in a net profit to the labor pool. This depends on the actual operating costs for and number of CDMs operated by the labor pool and the number of laborers paid on a given day.

The bill may also limit the transportation costs for a laborer by capping round-trip fees to \$3.00.

D. FISCAL COMMENTS: None.

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not reduce the percentage of state tax shared with municipalities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On January 10, 2005, the Economic Development, Trade and Banking Committee adopted a strike-everything amendment to the bill. The technical amendment restored current law in s. 448.24(1)(a), F.S., and corrected drafting errors in section 3 of the bill, relating to new s. 448.26, F.S.

HB 219

2006  
CS

CHAMBER ACTION

The Economic Development, Trade & Banking Committee recommends  
the following:

**Council/Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to labor pools; amending s. 448.24, F.S.;  
providing a limit on the amount a labor pool may charge a  
laborer for transportation to or from a designated  
worksite; authorizing a labor pool to provide day laborers  
with a method of obtaining cash from a cash-dispensing  
machine; amending s. 448.23, F.S.; conforming a cross-  
reference; creating s. 448.26, F.S.; providing for  
application of pt. II of ch. 448, F.S., the Labor Pool  
Act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) of section  
448.24, Florida Statutes, is amended, and subsection (7) is  
added to that section, to read:

448.24 Duties and rights.--

(1) No labor pool shall charge a day laborer:



HB 219

2006  
CS

(b) More than a reasonable amount to transport a worker to or from the designated worksite, but in no event shall the amount exceed \$1.50 each way ~~the prevailing rate for public transportation in the geographic area~~; or

(7) Nothing in this part precludes the labor pool from providing a day laborer with a method of obtaining cash from a cash-dispensing machine that is located on the premises of the labor pool and is operated by the labor pool, or by an affiliate, pursuant to chapter 560, if required, for a fee for each transaction which may not exceed \$1.99, provided:

(a) The labor pool offers payment in compliance with the provisions of paragraph (2) (a).

(b) The day laborer voluntarily elects to accept payment in cash after disclosure of the fee.

(c) The cash-dispensing machine requires affirmative action by the day laborer with respect to imposition of the fee and allows the day laborer to negate the transaction in lieu of payment in compliance with paragraph (2) (a).

Section 2. Section 448.23, Florida Statutes, is amended to read:

448.23 Exclusions.--Except as specified in ss. s. ~~ss. s.~~ 448.22(1)(c) and 448.26, this part does not apply to:

(1) Business entities duly registered as farm labor contractors pursuant to part III of chapter 450;

(2) Employee leasing companies, as defined in s. 468.520;

(3) Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;

HB 219

2006  
CS

(4) Labor union hiring halls; or

(5) Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.

Section 3. Section 448.26, Florida Statutes, is created to read:

448.26 Application.--Nothing in this part shall exempt any client of any labor pool or temporary help arrangement entity as defined in s. 468.520(4)(a) or any assigned employee from any other license requirements of state, local, or federal law. Any employee assigned to a client who is licensed, registered, or certified pursuant to law shall be deemed an employee of the client for such licensure purposes but shall remain an employee of the labor pool or temporary help arrangement entity for purposes of chapters 440 and 443.

Section 4. This act shall take effect July 1, 2006.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 255 Farm Labor Vehicles

**SPONSOR(S):** Troutman and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 258

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee		Kaiser <i>JK</i>	Reese <i>RR</i>
2) Transportation Committee			
3) State Resources Council			
4) _____			
5) _____			

---

### SUMMARY ANALYSIS

HB 255 requires every farm labor vehicle to be equipped at each passenger position with a seatbelt on or before January 1, 2008. Furthermore, the bill requires owners and operators of farm labor vehicles to prominently display standardized notification instructions, to be created by the Department of Highway Safety and Motor Vehicles, advocating the use of the seat belts provided. A definition for farm labor vehicle is provided in the bill.

And lastly, the bill requires farm labor contractors to display a farm worker transportation authorization sticker, obtainable from the Department of Business and Professional Regulation, on all farm labor vehicles.

The effective date of this legislation is July 1, 2006.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The bill authorizes the Department of Business and Professional Regulation to issue a transportation authorization sticker for farm labor vehicles carrying migrant and seasonal farm workers.

#### B. EFFECT OF PROPOSED CHANGES:

Section 316.003, F.S., provides definitions relating to state traffic control. The current definition of "migrant farm worker" is amended to "migrant and seasonal farm worker". A migrant and seasonal farm worker is defined as "any person employed in hand labor operations in the planting, cultivation, or harvesting of agricultural crops".

The definition of "migrant farm worker carrier" is amended to "farm labor vehicle". A farm labor vehicle is defined as "any vehicle designed, used, or maintained for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities". The term does not include any vehicle carrying only members of the immediate family of the owner or driver, any vehicle being operated by a common carrier of passengers, or any carpool as defined in s. 450.28(3), F.S.

Current law requires all carriers of migrant farm workers to systematically inspect and maintain all motor vehicles and their accessories subject to the carriers' control to ensure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of Chapter 316, F.S. HB 255 requires owners and operators of farm labor vehicles operating on the public highways of the state to ensure that said vehicles are in safe and proper operating condition in accordance with state and federal standards.

In 1986, the Legislature enacted the "Florida Safety Belt Law." Section 316.614, F.S., requires a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts. The law is enforced against any adult driver or adult passenger who is not restrained by a safety belt. If a person under 18 years of age is unrestrained, the law is enforced against the driver. The "Florida Safety Belt Law" is enforced as a secondary offense; that is, law enforcement officers cannot stop motorists solely for not using their safety belts. Instead, the officer must first stop the motorist for a suspected violation of Chapter 316, 320, or 322, F.S., before the officer can issue a uniform traffic citation for failure to wear a safety belt.

The bill provides that all farm labor vehicles must be equipped with a seatbelt assembly at each passenger position by January 1, 2008. Additionally, owners and operators of farm labor vehicles must prominently display standardized notification instructions requiring passengers to fasten their seat belts. The bill provides for the standard notification instructions to be created by the Department of Highway Safety and Motor Vehicles.

Violations of this section are deemed to be a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Chapter 318, F.S.

The bill requires farm labor contractors to obtain a farm worker transportation authorization sticker from the Department of Business and Professional Regulation before transporting migrant farm and seasonal workers in a farm labor vehicle. The sticker is to be displayed on the vehicle.

And lastly, the bill amends cross-references for the new definition of "migrant or seasonal farm worker".

## C. SECTION DIRECTORY:

**Section 1:** Amends s. 316.003, F.S.; amends definitions for migrant or seasonal farm worker and farm labor vehicle.

**Section 2:** Repeals s. 316.620, F.S.

**Section 3:** Creates s. 316.622, F.S.; requires farm labor vehicles to conform to federal and state safety standards; requires farm labor vehicles to be equipped with seat belts on a date certain; requires vehicle authorization sticker for using a vehicle to transport farm workers; provides penalties; requires notification; and, requires Department of Highway Safety and Motor Vehicles to create notification.

**Sections 4, 5 and 6:** Amends ss. 320.38, 322.031, and 450.181, F.S.; conforms language.

**Section 7:** Amends s. 450.28, F.S.; amends definition for carpool.

**Section 8:** Amends s. 450.33, F.S.; requires farm labor contractor to display vehicle authorization sticker on vehicles used to transport migrant or seasonal farm workers.

**Section 9:** Provides an effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See Fiscal Comments.

#### 2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

See Fiscal Comments.

#### 2. Expenditures:

See Fiscal Comments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will potentially enhance the safety of migrant and seasonal farm workers when being transported in farm labor vehicles.

### D. FISCAL COMMENTS:

According to the Department of Highway Safety and Motor Vehicles, the revenue impact from operators who are cited for a violation of s. 316.622, F.S., is indeterminate at this time. The cost for producing the safety belt notification instructions is anticipated to be minimal and will most likely be absorbed within existing resources.

According to the Department of Business and Professional Regulation (department), the cost of producing the sticker required by this legislation will be minimal and can be handled within existing

resources. The bill also provides for a vehicle authorization program. However, the department currently operates a farm labor vehicle authorization program for the federal government. To create another vehicle authorization program would be duplicative in nature.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

None

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

In the interest of consistency, the term "migrant or seasonal farm worker" should be used in subsection (12) of s. 450.33, F.S., instead of "farm worker".

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

HB 255

2006

A bill to be entitled

An act relating to farm labor vehicles; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing a penalty; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport farm workers; requiring the display of the sticker; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (61) and (62) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(61) MIGRANT OR SEASONAL FARM WORKER.--Any person employed



HB 255

2006

in hand labor operations in ~~the~~ planting, cultivation, or harvesting of agricultural crops ~~who is not indigenous to, or domiciled in, the locale where so employed.~~

(62) FARM LABOR VEHICLE.--Any vehicle designed, used, or maintained for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

(a) Any vehicle carrying only members of the immediate family of the owner or driver.

(b) Any vehicle being operated by a common carrier of passengers.

(c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM WORKER CARRIER.--Any person who transports, or who contracts or arranges for the transportation of, nine or more migrant farm workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except a migrant farm worker transporting himself or herself or the migrant farm worker's immediate family.~~

Section 2. Section 316.620, Florida Statutes, is repealed.

Section 3. Section 316.622, Florida Statutes, is created to read:

316.622 Farm labor vehicles.--

(1) Each owner or operator of a farm labor vehicle that is operated on the public highways of this state shall ensure that such vehicle conforms to vehicle safety standards prescribed by the Secretary of Labor under s. 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.

57 1841(b), and other applicable federal and state safety  
58 standards.

59 (2) On or after January 1, 2008, a farm labor vehicle  
60 having a gross vehicle weight rating of 10,000 pounds or less  
61 must be equipped at each passenger position with a seat belt  
62 assembly that meets the requirements established under Federal  
63 Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

64 (3) A farm labor contractor may not transport migrant or  
65 seasonal farm workers in a farm labor vehicle unless the display  
66 sticker described in s. 450.33 is clearly displayed on the  
67 vehicle.

68 (4) The owner or operator of a farm labor vehicle must  
69 prominently display in the vehicle standardized notification  
70 instructions requiring passengers to fasten their seat belts.  
71 The Department of Highway Safety and Motor Vehicles shall create  
72 standard notification instructions.

73 (5) A violation of this section is a noncriminal traffic  
74 infraction, punishable as a nonmoving violation as provided in  
75 chapter 318.

76 Section 4. Section 320.38, Florida Statutes, is amended to  
77 read:

78 320.38 When nonresident exemption not allowed.--The  
79 provisions of s. 320.37 authorizing the operation of motor  
80 vehicles over the roads of this state by nonresidents of this  
81 state when such vehicles are duly registered or licensed under  
82 the laws of some other state or foreign country do not apply to  
83 any nonresident who accepts employment or engages in any trade,  
84 profession, or occupation in this state, except a nonresident

HB 255

2006

migrant or seasonal farm worker as defined in s. 316.003(61). In every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 10 days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02, is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 5. Subsection (1) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.--

(1) In every case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state,

HB 255

2006

such nonresident shall, within 30 days after the commencement of such employment or education, be required to obtain a Florida driver's license if such nonresident operates a motor vehicle on the highways of this state. The spouse or dependent child of such nonresident shall also be required to obtain a Florida driver's license within that 30-day period prior to operating a motor vehicle on the highways of this state.

Section 6. Subsection (3) of section 450.181, Florida Statutes, is amended to read:

450.181 Definitions.--As used in part II, unless the context clearly requires a different meaning:

(3) The term "migrant laborer" has the same meaning as migrant or seasonal farm workers as defined in s. 316.003(61).

Section 7. Subsection (3) of section 450.28, Florida Statutes, is amended to read:

450.28 Definitions.--

(3) "Carpool" means an arrangement made by the workers using one worker's own vehicle ~~reached by and between farm workers~~ for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.

Section 8. Subsection (9) of section 450.33, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

450.33 Duties of farm labor contractor.--Every farm labor contractor must:

(9) Produce evidence to the department that each vehicle he or she uses for the transportation of employees complies with

HB 255

2006

141 the requirements and specifications established in chapter 316,  
142 s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L.  
143 No. 97-470 meeting Department of Transportation requirements or,  
144 in lieu thereof, bears a valid inspection sticker showing that  
145 the vehicle has passed the inspection in the state in which the  
146 vehicle is registered.

147 (12) Clearly display on each vehicle used to transport  
148 farm workers a display sticker issued by the department, which  
149 states that the vehicle is authorized by the department to  
150 transport farm workers and the expiration date of the  
151 authorization.

152 Section 9. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 255**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Agriculture

Representative Troutman offered the following:

**Amendment (with title amendment)**

Between lines 75-76, insert:

(6) The department shall provide to the Department of Business and Professional Regulation each quarter a copy of each accident report involving a farm labor vehicle, as defined in s. 316.003(62), commencing with the first quarter of the 2006-2007 fiscal year.

===== T I T L E A M E N D M E N T =====

Remove line 11 and insert:

vehicles; requiring the Department of Highway Safety and Motor Vehicles to provide copies of accident reports to the Department of Business and Professional Regulation; providing a penalty; amending ss. 320.38,

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 255**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Agriculture

2 Representative Troutman offered the following:

3  
4 **Amendment**

5 Remove lines 147-151 and insert:

6 (12) Clearly display on each vehicle used to transport  
7 migrant or seasonal farm workers a display sticker issued by the  
8 department, which states that the vehicle is authorized by the  
9 department to transport migrant or seasonal farm workers and the  
10 expiration date of the authorization.  
11

000000

## Amendment No. 3

Bill No. **HB 255**

COUNCIL/COMMITTEE ACTION

ADOPTED	_____ (Y/N)
ADOPTED AS AMENDED	_____ (Y/N)
ADOPTED W/O OBJECTION	_____ (Y/N)
FAILED TO ADOPT	_____ (Y/N)
WITHDRAWN	_____ (Y/N)
OTHER	_____

Council/Committee hearing bill: Agriculture

Representative Poppell offered the following:

## Amendment

Remove lines 74-75 and insert:

infraction, punishable as provided in s. 318.18(16).



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. **HB 255**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Agriculture

Representative Poppell offered the following:

**Amendment (with title amendment)**

Between lines 75 and 76, insert:

Section 4. Subsection (16) is added to section 318.18,  
Florida Statutes, to read:

318.18 Amount of civil penalties.--The penalties required  
for a noncriminal disposition pursuant to s. 318.14 are as  
follows:

(16) One hundred dollars for a violation of ss. 316.622(3)  
and (4), failing to display sticker authorizing said vehicle to  
transport migrant or seasonal farm workers or failing to display  
standardized notification instructions requiring passengers to  
fasten their seat belts. Two hundred dollars for a violation of  
ss. 316.622 (1) and (2), operating a farm labor vehicle which  
fails to conform to vehicle safety standards or lack of seat  
belt assemblies at each passenger position.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

22 ===== T I T L E   A M E N D M E N T =====  
23        Remove line 11 and insert:  
24 vehicles; providing a penalty; amending s. 318.18, F.S.;  
25 creating a penalty for violations regarding farm labor vehicles;  
26 amending ss.320.38,

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. HB 255

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Agriculture  
Representative Poppell offered the following:

**Amendment (with title amendment)**

Between lines 72 and 73, insert:

(5) Failure of any migrant or seasonal farm worker to use a seat belt provided by the owner of a farm labor vehicle under the provisions of this section shall not constitute negligence per se, nor shall such failure be used as prima facie evidence of negligence or be considered in mitigation of damages, but such failure may be considered as evidence of comparative negligence in any civil action.

(6) Failure of any owner or operator of a farm labor vehicle to require that all passengers be restrained by a safety belt when the vehicle is in motion may not be considered as evidence of negligence in any civil action, provided that such vehicle is otherwise in compliance with this section.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

22 ===== T I T L E   A M E N D M E N T =====  
23        Remove line 11 and insert:  
24 vehicles; providing a presumption for injuries sustained by a  
25 worker in a vehicle; providing a penalty; amending ss. 320.38,

000000



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 357

Assessment of Obsolete Agricultural Equipment for Purposes of Ad



Valorem Taxation

**SPONSOR(S):** Poppell and others

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1074

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee		Kaiser 	Reese 
2) Finance & Tax Committee			
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5) _____			

---

### SUMMARY ANALYSIS

The bill provides for agricultural equipment no longer used in agricultural production to be considered obsolete and therefore assessed at salvage value for ad valorem tax purposes. In addition, the taxpayer claiming the right of this assessment must state so in a return filed as provided by law. The property appraiser may require the taxpayer to produce additional information as necessary in order to establish the taxpayer's right to have said property classified as obsolete.

The 2005 Revenue Estimating Conference projected that the reduced assessment for obsolete agricultural equipment would result in a loss of General Revenue on an annualized basis of \$.9 million for FY 2005-06 and \$.9 million on a cash basis for FY 2006-07. As of the publication date of this analysis, the 2006 Revenue Estimating Conference had not met to assess the impact of this legislation.

The effective date of this legislation is January 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not implicate any House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

For ad valorem tax purposes, taxpayers owning agricultural equipment must file an annual return to report equipment owned as of January 1<sup>st</sup> of each year. The county property appraiser is required to assess the value of property at a just valuation, which has been held to mean 100% of fair market value. The Florida Department of Revenue adheres to life expectancy guidelines that establish a 10 year life for agricultural machinery and equipment, which results in agricultural equipment being assessed at salvage value after it is ten years old. Agricultural equipment that is less than ten years old but is not commonly used by the taxpayer for a variety of reasons is supposed to be assessed at fair market value rather than salvage value.

Currently, in s. 193.621, F.S., relating to pollution control devices, the law provides "*...facilities installed for the purpose of eliminating or reducing industrial air or water pollution shall be deemed to have value for purposes of assessment for ad valorem property taxes no greater than its market value as salvage.*" However, two circuit court cases<sup>1</sup> have found this law to be unconstitutional, while one<sup>2</sup> found it to be constitutional.

The bill provides for agricultural equipment no longer used in agricultural production to be considered obsolete and therefore assessed at salvage value for ad valorem tax purposes. In addition, the taxpayer claiming the right of this assessment must state so in a return filed as provided by law. The property appraiser may require the taxpayer to produce additional information as necessary in order to establish the taxpayer's right to have said property classified as obsolete.

#### C. SECTION DIRECTORY:

**Section 1:** Provides for obsolete agricultural equipment to be assessed at its salvage value for purposes of ad valorem tax; defines the term "agricultural equipment"; provides a procedure for a taxpayer to claim the right of assessment; and, authorizes the property appraiser to require information establishing a taxpayer's right to the classification.

**Section 2:** Provides an effective date of January 1, 2007.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See Fiscal Comments.

##### 2. Expenditures:

See Fiscal Comments.

<sup>1</sup> FPC v. Schultz, Citrus County, April 27, 1998 and Lake Cogen v. Havill, Lake County, February 3, 2004

<sup>2</sup> FP&L v. Putnam, St. Lucie County, July 24, 1998

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

See Fiscal Comments.

**2. Expenditures:**

See Fiscal Comments.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

See Fiscal Comments.

**D. FISCAL COMMENTS:**

The 2005 Revenue Estimating Conference projected that the reduced assessment for obsolete agricultural equipment would result in a loss of General Revenue on an annualized basis of \$.9 million for FY 2005-06 and \$.9 million on a cash basis for FY 2006-07. As of the publication date of this analysis, the 2006 Revenue Estimating Conference had not met to assess the impact of this legislation.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

**2. Other:**

Section 4, Article VII of the Florida Constitution states that "By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation..." The Florida Supreme Court has consistently held that all property is subject to ad valorem taxation unless it is constitutionally exempted, and that "just valuation" of property for ad valorem tax purposes is synonymous with 100% of "fair market value." Since the terms of this bill would establish a limitation on the market value of obsolete farm equipment, the issue of its constitutionality is evident.

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**



HB 357

2006

A bill to be entitled

An act relating to the assessment of obsolete agricultural equipment for purposes of ad valorem taxation; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Assessment of obsolete agricultural equipment.--

(1) For purposes of assessment for ad valorem property taxes, obsolete farm equipment shall be deemed to have a market value no greater than its market value for salvage. As used in this section, the term "agricultural equipment" means any equipment that qualifies for the sales tax exemption provided in s. 212.08(3), Florida Statutes. Agricultural equipment shall be considered obsolete for purposes of this section if it is no longer commonly used by the taxpayer.

(2) Any taxpayer claiming the right of assessment for ad valorem taxes under the provisions of this section shall so state in a return filed as provided by law, giving a brief description of the equipment and its use. The property appraiser may require the taxpayer to produce any additional information

HB 357

2006

29   as necessary in order to establish the taxpayer's right to have  
 30   such property classified as obsolete under this section for  
 31   purposes of the assessment.

32       Section 2.   This act shall take effect January 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 357**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Agriculture

2 Representative Poppell offered the following:

3  
4 **Amendment**

5 Remove line 21 and insert:

6 s. 212.08(3), Florida Statutes, wherever purchased.

7 Agricultural equipment shall be

8  
000000





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 363  
**SPONSOR(S):** Needelman  
**TIED BILLS:**

Private Investigative, Private Security, and Repossession Services

**IDEN./SIM. BILLS:** SB 726

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee		Kaiser 	Reese 
2) Agriculture & Environment Appropriations Committee			
3) State Resources Council			
4) _____			
5) _____			

### SUMMARY ANALYSIS

Chapter 493, Florida Statutes, addresses private investigative, private security, and repossession services, which are regulated by the Department of Agriculture and Consumer Services (department).

Currently, licensing required under section 493.6106, F.S., provides that licensees for private investigative, private security and repossession services be at least 18 years of age. The bill increases the minimum age required for a private investigator and a private investigative agency manager from 18 to 21.

HB 363 requires certain licensees of Chapter 493, F.S., to complete specific continuing education prior to renewal of licensure. The bill provides for the department to establish criteria for the course and the course provider. Each licensee must submit proof of course completion with the application for license renewal. Licensees who hold more than one license issued pursuant to Chapter 493, F.S., are required to complete the continuing education only once during any biennium.

The bill provides that applicants for a private investigator license must first pass a written examination regarding the provisions of Chapter 493, F.S., administered by the department. This provision does not apply to persons holding valid private investigator licenses on or before March 1, 2007.

The bill further provides that, effective September 1, 2007, applicants for a private investigator intern license must first complete specified coursework from an educational institution regulated by the Department of Education.

Please see section II of this analysis for the fiscal and economic impact information regarding the bill.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The legislation requires applicants for certain licenses to pass coursework and/or examination prior to licensing and/or renewal. The Department of Agriculture and Consumer Services is directed to establish rules and implement continuing education requirements and examinations, and to develop curriculum and provider expertise requirements, etc., to implement the bill.

**Ensure lower taxes:** The applicants for Class "C", "MA", and "M" licenses will pay a \$100 fee for an examination for private investigator. In addition, course providers will pay a biennial \$200 fee.

#### B. EFFECT OF PROPOSED CHANGES:

Chapter 493, F.S., addresses private investigative, private security, and repossession services, which are regulated by the Department of Agriculture and Consumer Services (department).

Current licensing requirements under s. 493.6106, F.S., provide that licensees for private investigative, private security and repossession services be at least 18 years of age. The bill increases the minimum age required for a private investigator and private investigative agency manager from 18 to 21.

There is no current requirement for continuing education for private investigative, private security and repossession services. However, Class "G" license holders (those with a statewide firearms license, such as armed security officers) must be recertified every two year.

Effective September 1, 2007, the bill provides for certain classes of licensees to participate in continuing education training prior to license renewal each biennium. The bill requires licensees who hold more than one license to complete the continuing education only once during any biennium.

The bill gives the department rule-making authority to establish criteria for approval of courses and course instructors. The bill requires the continuing education training to be conducted at various locations within or outside the state at times convenient for licensees. The course providers must physically verify the personal identity and license number of each licensee receiving the training and issue a certification of completion to the licensee upon completion of the course. The certificate of completion must then be submitted to the department with the application for license renewal.

Effective March 1, 2007, the bill further requires private investigators to pass an examination prior to licensure. The examination, administered by the department or a provider approved by the department, will cover provisions of Chapter 493, F.S. The potential licensee must pass the examination before his/her license may be issued. A fee of \$100 is established for examinations for private investigators and private investigator interns. A biennial fee of \$200 is established for the provider of said coursework.

The bill exempts the examination requirements for those persons holding valid private investigator licenses prior to March 1, 2007. Persons whose private investigator licenses have been invalid, for any reason, for more than one year prior to March 1, 2007, must pass the examination.

And lastly, the bill requires, effective September 1, 2007, private investigator interns to have completed within the last 12 months of application for licensure, a minimum 40-hour course relating to general investigative techniques and provisions of Chapter 493, F.S., from an institution regulated by the Department of Education. Upon successful completion of course work, the institution shall issue a certificate of completion to the applicant, which must be submitted to the department with the

application for licensure. The bill requires any individual whose private investigator intern license has been invalid, for any reason, for more than one year to complete the training and examination.

**C. SECTION DIRECTORY:**

**Section 1:** Amends s. 493.6106, F.S.; increases the minimum age for certain licensees.

**Section 2:** Amends s. 493.6113, F.S.; revises renewal application requirements regarding proof of insurance coverage; and, requires continuing education for license renewal for certain licensees.

**Section 3:** Amends s. 493.6202, F.S.; revises fee schedules.

**Section 4:** Amends s. 493.6203, F.S.; requires passage of an examination for licensure as a private investigator; provides exemption for certain licensees; requires reexamination under certain circumstances; requires passage of coursework for licensure as private investigator intern; and, requires the department to establish content and criteria for coursework.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

	(FY 06-07)	(FY 07-08)	(FY 08-09)
Licensing Trust Fund:			
Recurring Revenues:			
From education providers	\$ 20,000	\$ 20,000	\$ 10,000
From Class "C" exams	<u>37,867<sup>1</sup></u>	<u>115,200</u>	<u>116,900</u>
Total	\$ 57,867	\$135,200	\$126,900

**2. Expenditures:**

Licensing Trust Fund:			
Recurring Expenditures:			
Cost to print materials	\$ 15,316	\$ 15,316	\$ 15,316
Service charge to General Revenue	<u>4,224</u>	<u>9,870</u>	<u>9,264</u>
Total Recurring	19,540	25,186	24,580

**Non-Recurring Expenditures:**

Administer tests in regional offices (computers, furniture)	\$ 14,400
Develop and integrate new database requirements into existing database and electronic document management system	195,200
Cost to develop curriculum/content of the 40-hour Private Investigator Intern course and the 6-hour continuing education course. <sup>2</sup>	<u>32,400</u>
Total Non-Recurring	242,000

Total Expenditures	<u>\$261,540</u>	<u>\$ 25,186</u>	<u>\$ 24,580</u>
--------------------	------------------	------------------	------------------

<sup>1</sup> Class "C" exam beginning 3/1/07 prorated

<sup>2</sup> The Division of Licensing will use voluntary services provided by members of the existing advisory council training committee who are experts in the private investigation industry. Costs for this will include travel, lodging and meeting room expenses.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None

**2. Expenditures:**

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Cost analysis to determine the private sector costs for the 40-hour Private Investigator Intern course and the 6-hour Continuing Education course were done by comparing prices for similar course requirements for the Class "D" Security Officer training within the Division of Licensing. Also, certain continuing education requirements for several licenses at the Department of Business and Professional Regulation were compared. Generally, public institutions provided lower course rate compared to private providers. If there are not enough applicants needing to take coursework, public institutions may not become providers. In this case, the cost estimated for coursework might possibly increase.

	FY 06-07	FY 07-08	FY 08-09
Licensing cost to providers <sup>3</sup>	\$ 20,000	\$ 20,000	\$ 10,000
Exam costs for Class "C" applicants <sup>4</sup>	37,867	115,200	116,900
Costs for Class "CC" applicants <sup>5</sup>	0	65,333	79,000
Costs for continuing education <sup>6</sup>	0	101,400	123,120
Total Expense to Private Sector	<u>\$ 57,867</u>	<u>\$301,933</u>	<u>\$329,020</u>

**D. FISCAL COMMENTS:**

According to the Division of Licensing, within the Department of Agriculture and Consumer Services, HB 363 has costs noted in Non-Recurring Costs to "develop and integrate new database requirements into an existing database and electronic document management system," which is a correct reflection of costs that would be incurred if this legislation were to pass. Plainly stated, this is a correct estimate of costs that would be needed on a one time basis.

SB 190, relating to Seaport Security, has similar requirements as mentioned above. If both of these bills (HB 363 and SB 190) were to pass, the cost of implementation would be reduced. However, if only one of the bills were to pass, the full amount would still be needed.

<sup>3</sup> According to the Florida Association of Licensed Investigators, approximately 200 individuals are expected to register as providers. Additionally, another 50 providers are expected to renew upon the two year permit. The fee for provider registration is \$200. It is estimated that 100 would apply in FY 06/07 and 100 would apply in FY07/08.

<sup>4</sup> Estimated number of Class "C" applicants multiplied by an exam fee of \$100.

<sup>5</sup> Estimated number of Class "CC" applicants multiplied by a course fee of \$100.

<sup>6</sup> Classes "C", "CC", "M", "MA", "E", "EE", "MR", and "RI" renewal course multiplied by a course fee of \$40.



### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

The bill gives the Department of Agriculture and Consumer Services rule-making authority regarding:

- establishing a means to prove specified continuing education has been completed;
- establishing criteria for continuing education and approval of providers;
- establishing a form to serve as a certificate of completion; and,
- establishing the general content for training and examination criteria.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

HB 363

2006

A bill to be entitled

An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6113, F.S.; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6202, F.S.; requiring the department to establish by rule certain fees relating to private investigative services; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

HB 363

2006

Section 1. Paragraph (a) of subsection (1) of section 493.6106, Florida Statutes, is amended to read:

493.6106 License requirements; posting.--

(1) Each individual licensed by the department must:

(a) Be at least 18 years of age, except that Class "C," Class "MA," and Class "M" licensees must be at least 21 years of age.

Section 2. Subsection (3) of section 493.6113, Florida Statutes, is amended to read:

493.6113 Renewal application for licensure.--

(3) Each licensee shall be responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the prescribed license fee.

(a) Each ~~Class "A,"~~ Class "B," ~~or Class "R"~~ licensee shall additionally submit on a form prescribed by the department a certification of insurance which evidences that the licensee maintains adequate commercial general liability coverage as required under s. 493.6110.

(b) Each Class "G" licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms recertification training taught by a Class "K" licensee and has complied with such other health and training requirements which the department may adopt by rule. If proof of a minimum of 4 hours of annual firearms recertification training cannot be provided, the renewal applicant shall complete the minimum number of hours of

HB 363

2006

range and classroom training required at the time of initial licensure.

(c) Each Class "DS" or Class "RS" licensee shall additionally submit the current curriculum, examination, and list of instructors.

(d) Effective September 1, 2007, each Class "C," Class "CC," Class "M," Class "MA," Class "E," Class "EE," Class "MR," and Class "RI" licensee shall provide proof, in a form established by rule of the department, that the licensee has completed not less than 6 hours of continuing education in Florida law and rules regulating the professions, including criminal law, court decisions, and legal opinions that impact the professions, which may include 2 hours of terrorism awareness, presented by approved providers, during the biennium since the issuance or last renewal of the license. Licensees who hold more than one license issued pursuant to this chapter shall be required to complete the continuing education only once during any biennium.

(e) The department shall by rule establish criteria for the continuing education and approval of providers, including requirements relating to the content of courses and provider expertise. In order to obtain approval as a provider, the person must be qualified by education or experience in the specific area of instruction to be presented.

(f) Approved continuing education training shall be conducted only by approved providers at various locations within or outside the state at times convenient for licensees, including weekends. Before entering the room where the training

HB 363

2006

occurs, each licensee shall present his or her personal license to the approved provider, who shall physically verify the personal identity and license number of the licensee. The approved provider shall issue a certificate of completion to each licensee who completes the approved courses. The certificate shall be on a form established by rule of the department and must be submitted with the application for renewal of licensure.

Section 3. Paragraphs (f) and (g) are added to subsection (1) of section 493.6202, Florida Statutes, to read:

493.6202 Fees.--

(1) The department shall establish by rule examination and biennial license fees, which shall not exceed the following:

(f) Fee for the examination for private investigator: \$100.

(g) Biennial fee for provider approval: \$200.

Section 4. Section 493.6203, Florida Statutes, is amended to read:

493.6203 License requirements.--In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.

(2) An applicant for a Class "MA" license shall have at least 2 years of lawfully gained, verifiable, full-time

HB 363

2006

experience, or training in:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) Work as a Class "CC" licensed intern;

(c) Any combination of paragraphs (a) and (b);

(d) Experience described in paragraph (a) for at least 1 year and experience described as follows ~~in paragraph (e)~~ for ~~1~~ year;

~~(e)~~ no more than 1 year ~~using~~:

1. College coursework related to criminal justice, criminology, or law enforcement administration; or

2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or

~~(e)~~~~(f)~~ Experience described in paragraph (a) for at least 1 year and work in a managerial or supervisory capacity for at least 1 year.

(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under subsection (2) and as a Class "MB" manager as outlined under s. 493.6303(2).

(4) An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice,

140 | criminology, or law enforcement administration, or successful  
141 | completion of any law enforcement-related training received from  
142 | any federal, state, county, or municipal agency, except that no  
143 | more than 1 year may be used from this category.

144 | (c) Work as a Class "CC" licensed intern.

145 | (5)(a) Effective March 1, 2007, an applicant for a Class  
146 | "C" license who meets the experience criteria in subsection (4)  
147 | must pass an examination on the provisions of this chapter,  
148 | which shall be administered by the department or an examination  
149 | provider approved by the department. The applicant is not  
150 | required to pass the examination prior to submission of the  
151 | application but must do so prior to issuance of the license. The  
152 | administrator of the examination must verify the identity of  
153 | each applicant taking the examination.

154 | (b) The examination requirements of paragraph (a) do not  
155 | apply to any individual who holds a valid Class "CC," Class "C,"  
156 | Class "MA," or Class "M" license issued on or before March 1,  
157 | 2007.

158 | (c) Notwithstanding the exemption in paragraph (b), any  
159 | individual whose license has been invalid for any reason for  
160 | more than 1 year must successfully pass the examination, even if  
161 | previously taken.

162 | (6)(a) Effective September 1, 2007, an applicant for a  
163 | Class "CC" license must have, within the preceding 12 months,  
164 | satisfactorily completed a minimum 40-hour course from a school,  
165 | college, or university regulated by the Department of Education,  
166 | which course pertains to general investigative techniques and  
167 | this chapter, and shall pass an examination. The training

HB 363

2006

168 specified in this subsection may be provided by live  
169 presentation, on line, or by home study in accordance with  
170 Department of Education rules and procedures. The administrator  
171 of the examination shall verify the identity of all applicants  
172 taking the examination.

173 (b) Upon successful completion of the approved course, the  
174 school, college, or university shall issue a certificate of  
175 completion to the applicant. The certificate shall be on a form  
176 established by rule of the department and must be submitted with  
177 the application for the Class "CC" license.

178 (c) The department shall by rule establish the general  
179 content of the training and examination criteria.

180 (d) Any individual whose Class "CC" license has been  
181 invalid for any reason for more than 1 year must complete the  
182 training, even if previously taken.

183 ~~(7)(5)~~ A Class "CC" licensee shall serve an internship  
184 under the direction and control of a designated sponsor, who is  
185 a Class "C," Class "MA," or Class "M" licensee.

186 ~~(8)(6)~~ In addition to any other requirement, an applicant  
187 for a Class "G" license shall satisfy the firearms training set  
188 forth in s. 493.6115.

189 Section 5. This act shall take effect July 1, 2006.